

A CIVIL ACTION

1. “To prove something like this, you need new medical research. Is that the business we’re in - the medical research business? And, you have to ask yourself, ‘Why is this an orphan?’ Why has it been kicked from firm to firm before it ended up on your desk?” Why is environmental law generally so unappealing to a law firm?

2. “I’m not interested in money, none of us are. That’s not what we’re doing this. What we want is to know what happened. And we want an apology. I want somebody to come to my house, knock on the door, and say, ‘We’re responsible. We did this. We didn’t mean it, but we did it, and we’re sorry.’” This repels Schlichtmann even further away from wanting to represent these clients. Why?

3. Just after the motion to dismiss was denied, Schlichtmann is having the details of the study that is to be carried out explained to him by a groundwater expert. Schlichtmann comments, “You’re talking about you, and a couple of assistants or something.” What is his concern?

4. Schlichtmann begins to question people who worked at Grace and is not getting very far. Suddenly a worker named Al Love (played by James Gandolfini in the movie) breaks the line and says he did see what happened to the barrels of trichloroethylene (TCE). Why does Mr. Love answer all of Schlichtmann’s questions?

5. Defendant Lawyer Jerome Facher (played by Robert Duvall) asks the residents of Woburn some pretty strange questions. What is he trying to get at? Given his statement just after the last resident testifies, did he find what he was looking for? Explain.

6. Identify all the different types of experts that are involved with trying the case.

7. After Schlichtmann talks further with Love, what happens when the rest of the employees of Grace are recalled?

8. Of the 780 000 lawsuit cases filed each year in the United States, only 12 000 go to a verdict. Explain why.

9. Discuss the merits of both of Schlichtmann’s original settlement request and what he ultimately requests after you add it all up?



10. Facher (who represents Beatrice) offered Schlichtmann a \$20 million settlement but Schlichtmann rejected it without taking the offer to his clients. The jury answered the questions posed by the judge against Grace but in favour of Beatrice. That means Beatrice pays nothing! Grace must continue with the trial. Schlichtmann then talks with a representative of Grace who offers \$8 million - the exact amount that Schlichtmann and his partners owe on credit, leaving nothing for the clients. Determine what number would you settle for and explain why that would be your number.

11. Schlichtmann et al settle but no one is very happy with the situation. The debts are paid, the families get \$375 000 each, and the partnership breaks up. Schlichtmann is out on his own. He isn't done yet, though. There were kids making a nuisance with Mr. Riley, the tannery owner, and the water catches on fire. Another employee at the tannery, Mr. Granger, helped Riley clean up the property so others wouldn't find the pollutants. What does Schlichtmann do to ensure the case continues?

Epilogue

- Riley was found to have concealed evidence during the tannery. His tannery was torn down.
- Grace was indicted and they pleaded no contest. Their plant was closed.
- Grace and Beatrice shared the \$70 million clean-up cost instead of heading back to court.
- Schlichtmann now practices environmental law only.
- There are websites that defend the companies' actions despite what the movie portrayed: www.grace.com/html/woburn.html and www.civil-action.com both created by Grace.